

Remarks

Claims 1-2, 4-15, and 17 are pending in this application.

Applicants appreciate the indication in the Office action that Claims 1-2, 4-13, and 17 are allowable.

In the Amendment above, Applicants amend Claim 14 to further include the feature that the outward-facing neck-contacting surface and the interior-facing surface of the plug part form an edge enclosing an angle of less than 90° between them and having a radius of curvature of 0.5 mm or less and also that the vial neck is conical such that it is wider at its mount opening than at a point adjacent the lower end of the plug part. This is supported at least by the disclosure in Paragraphs 35 and 122 of the specification. As discussed below, the claimed pharmaceutical vial and closure including these features is not obvious over the Liebert reference applied in the Office action. Thus, Claim 14 is in condition for allowance. As Claim 15 depends on Claim 14 this Claim is also in condition for allowance.

A. Alleged Obviousness of Claims 14-15 over Liebert et al. (US Pat. No. 5,219,983)

Liebert does not disclose or suggest that the bottom portion of the disclosed stopper should form a flat edge or have a small radius of curvature. Rather as can be seen in Fig. 7 of Liebert, the bottom portion of the “leg” 30 of the disclosed stopper is rounded off in a manner such that it is not a flat edge and, instead has a fairly large radius of curvature. As Applicant has amended its Claim 14 to include the feature that outward-facing neck-contacting surface and the interior-facing surface of the plug part form an edge enclosing an angle of less than 90° between them and having a radius of curvature of 0.5, and Liebert does not disclose or suggest such an arrangement for the bottom edge of its disclosed stopper, Liebert does not render Applicants’ claim 14 obvious.

In addition, Applicant has also amended its claim 14 to include the feature that the vial neck is conical such that it is wider at its mount opening than at a point adjacent the lower end of the plug part. With reference again to Fig. 7 of Liebert, Liebert discloses only a cylindrical vial neck. Liebert does not suggest modifying its vial neck to be conical.

As the art of record does not disclose or suggest the combination of features in Applicants Claim 14, the Claim is allowable. Moreover, As Claim 15 depends on Claim 14, this Claim is also in condition for allowance.

B. Conclusion

In view of the foregoing, all of the pending claims are in condition for allowance and such action is respectfully requested.

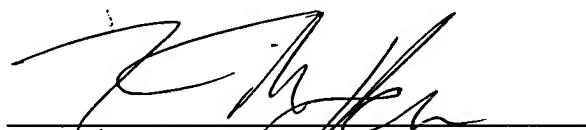
If the Examiner believes that any further action would place this application in better condition for allowance, he is invited to telephone the undersigned at the number listed below.

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